

Hon. Richard A. Jones
Hon. J Richard Creatura

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

El PAPEL LLC, <i>et al.</i> ,)	
)	
Plaintiffs,)	No. 2:20-cv-01323-RAJ-JRC
)	
vs.)	DEFENDANT CITY OF SEATTLE’S
)	NOTICE OF SUPPLEMENTAL
JENNY A. DURKAN, <i>et al.</i> ,)	AUTHORITY
)	
Defendants.)	
)	
)	
)	

Pursuant to LCR 7(n), or in the alternative LCR 7(m), Defendant City of Seattle respectfully submits Executive Order 2021-07: COVID-19 Civil Emergency – Extensions of City Closures and Relief Measures, dated September 21, 2021 (“Order”), which extends the City’s eviction moratorium through January 15, 2022, as supplemental authority in support of its Reply Re Its Cross-Motion for Summary Judgment (Dkt. #120, hereafter “Reply”). The Order was issued after the City’s Reply was filed. The Order is attached hereto as Exhibit 1.

//
//
//
//
//

Respectfully submitted September 22, 2021.

PETER S. HOLMES
Seattle City Attorney

By: /s/ Jeffrey S. Weber, WSBA #24496
/s/ Roger D. Wynne, WSBA #23399
/s/ Derrick De Vera, WSBA #49954
/s/ Erica R. Franklin, WSBA #43477

Seattle City Attorney's Office
701 Fifth Ave., Suite 2050
Seattle, WA 98104-7095
Ph: (206) 684-8200

jeff.weber@seattle.gov
roger.wynne@seattle.gov
erica.franklin@seattle.gov
derrick.devera@seattle.gov

*Assistant City Attorneys for Defendants City of
Seattle and Jenny A. Durkan, in her official capacity
as the Mayor of the City of Seattle*

Exhibit 1



City of Seattle

Mayor Jenny A. Durkan

Office of the Mayor

City of Seattle

Jenny A. Durkan, Mayor

Executive Order 2021-07: COVID-19 Civil Emergency – Extensions of City Closures and Relief Measures

An Executive Order directing City departments to further extend their actions to combat the spread of the COVID-19 pandemic and to mitigate the impact of the public health emergency on the people of Seattle.

WHEREAS, in my capacity as Mayor, I proclaimed that a civil emergency exists in the City of Seattle in the Mayoral Proclamation of Civil Emergency dated March 3, 2020; and

WHEREAS, on March 4, 2020, Public Health – Seattle & King County issued guidance recommending that people at higher risk of severe illness should stay home and away from large groups of people as much as possible, including public places; and

WHEREAS, on March 10, 2020, I issued Executive Order 2020-03 to provide assistance to Seattle’s small businesses and their workers; and

WHEREAS, Executive Order 2020-03 also directed Seattle Public Utilities and Seattle City Light to enroll more income eligible customers in the Utility Discount Program, exercise flexibility with customers, including instituting payment plans, and avoid utility shut-offs whenever possible; and

WHEREAS, on March 11, 2020, Washington Governor Jay Inslee prohibited all gatherings of 250 or more in western Washington and Dr. Jeff Duchin, Health Officer for Public Health – Seattle & King County also prohibited gatherings of 250 or less unless certain precautions were undertaken; and

WHEREAS, as a result, on March 12, 2020, I directed the Seattle Public Library and Seattle Parks and Recreation to close all public-facing indoor facilities through April 13, 2020; and

WHEREAS, on March 13, 2020, I temporarily suspended permitted events in the City of Seattle; and

WHEREAS, in March 2020, the Seattle Department of Transportation announced new parking rules and procedures to reflect people staying at home, the transition of restaurants to take-out only, and the shortage of parking around medical facilities; and

WHEREAS, on March 16 and 17, 2020, I issued Emergency Orders placing a temporary moratorium on residential evictions, as well as evictions of small business and non-profit organization commercial tenants, respectively; and

Executive Order 2021-07 (Continued Extension of COVID-19 Closures and Relief Policies)

Page 2 of 5

September 21, 2021

WHEREAS, Washington Governor Jay Inslee issued a “Stay Home, Stay Healthy” order on March 23, 2020, asking non-essential workplaces to close and people to stay home except for necessary trips until midnight on April 6, 2020; and

WHEREAS, on April 2, 2020, Governor Inslee extended the “Stay Home, Stay Healthy” order through May 4, 2020; and

WHEREAS, on April 6, 2020, I issued Executive Order 2020-04, to align a number of City closures and relief measures to Governor’s “Stay Home, Stay Healthy” order through May 4, 2020; and

WHEREAS, on May 1, 2020, Governor Inslee further extended the “Stay Home, Stay Healthy” order through May 31, 2020; and

WHEREAS, on May 1, 2020, I issued Executive Order 2020-05, which further aligned City closures and relief measures to the Governor Inslee’s “Stay Home, Stay Healthy” order through May 31, 2020, and additionally extended the City’s temporary moratoriums on residential and commercial evictions of small business and non-profits through June 4, 2020; and

WHEREAS, on May 31, 2020, Governor Inslee issued a Proclamation transitioning from “Stay Home, Stay Healthy” to “Safe Start, Stay Healthy,” a county-by-county phased approach to reopening through July 1, 2020; and

WHEREAS, on June 2, 2020, Governor Inslee issued a Proclamation temporarily prohibiting residential evictions and temporarily prohibiting commercial property landlords from increasing the rate of rent if the commercial tenant has been materially impacted by the COVID-19 emergency, through August 1, 2020; and

WHEREAS, on June 3, 2020, I issued Executive Order 2020-06, which further extended the City’s temporary moratoriums on residential and commercial evictions of small business and non-profits through August 1, 2020; and

WHEREAS, on July 24, 2020, Governor Inslee issued Proclamation 20-19.3 extending the temporary prohibition on residential evictions and temporary rent protections for residential and commercial tenants statewide through October 15, 2020; and

WHEREAS, on July 31, 2020, I issued Executive Order 2020-09, which further extended the City’s temporary moratoriums on residential and commercial evictions of small business and non-profits through December 31, 2020; and

WHEREAS, on October 14, 2020, Governor Inslee issued Proclamation 20-19.4 further extending the temporary prohibition on residential evictions and temporary rent protections for residential and commercial tenants statewide through December 31, 2020; and

WHEREAS, on December 15, 2020, I issued Executive Order 2020-12, which further extended the City’s temporary moratoriums on residential and commercial evictions of small business and non-profits through March 31, 2021; and

Executive Order 2021-07 (Continued Extension of COVID-19 Closures and Relief Policies)

Page 3 of 5

September 21, 2021

WHEREAS, on December 31, 2020, Governor Inslee issued Proclamation 20-19.5 further extending the temporary prohibition on residential evictions and temporary rent protections for residential and commercial tenants statewide through March 31, 2021; and

WHEREAS, on March 15, 2021, I issued Executive Order 2021-02, which further extended the City's temporary moratoriums on residential and commercial evictions of small business and non-profits through June 30, 2021; and

WHEREAS, on June 18, 2021, I issued Executive Order 2021-06, which further extended the City's temporary moratoriums on residential and commercial evictions of small business and non-profits through September 30, 2021; and

WHEREAS, the continued number of cases and deaths in Seattle and King County by the dangerous Delta variant shows that this pandemic continues to threaten the life and health of our people as well as the economy of the City of Seattle;

NOW, THEREFORE, I, Jenny A. Durkan, Mayor of Seattle, hereby order City departments to further extend, cancel, or modify the following closures, suspensions, and relief measures to help combat the COVID-19 pandemic in our community and promote the health and well-being of the people of Seattle:

A. Rent Relief Measure

Department of Finance and Administrative Services (FAS): Continue rent deferrals to for-profit tenants and rent abatement to FAS' non-profit tenants through December 31, 2021.

B. Emergency Moratorium on Residential Evictions

On March 16, 2020, an Emergency Order was issued imposing a moratorium on residential evictions through May 14, 2020, or upon the termination of the Civil Emergency, whichever is earlier. Executive Order 2020-05 extended the moratorium through June 4, 2020, Executive Order 2020-06 extended the moratorium through August 1, 2020, Executive Order 2020-09 extended the moratorium through December 31, 2020, Executive Order 2020-12 extended the moratorium through March 31, 2021, and Executive Order 2021-06 which further extended the moratorium through September 30, 2021. In addition, Governor Inslee issued Proclamations 20-19.1, 20-19.2, 20-19.3, 20-19.4 and 20-19.5 that mandated a statewide moratorium on temporary prohibition of residential evictions and imposed other related prohibitions through March 31, 2021. On June 24, 2021, Governor Inslee issued Proclamation 21-09 to create a "bridge" between the eviction moratorium and the housing stability programs put in place by the Legislature. The bridge is effective July 1, 2021 through September 30, 2021.

Given the ongoing COVID-19 public health emergency, the Emergency Order, dated March 16, 2020, imposing a moratorium on residential evictions is hereby extended through January 15, 2022 at which point the Emergency Moratorium on Residential Evictions will sunset and Ordinance 126075, which provides a defense against evictions due to hardship from COVID-19 for six months, goes into effect.

C. Emergency Moratorium on Small Business and Non-Profit Commercial Tenant Evictions

On March 17, 2020, an Emergency Order was issued imposing a moratorium on evictions of small business and non-profit commercial tenants through May 15, 2020, or upon the termination of the

Proclamation of Civil Emergency, whichever is earlier. Executive Order 2020-05 extended the moratorium through June 4, 2020, Executive Order 2020-06 extended the moratorium through August 1, 2020, Executive Order 2020-09 extended the moratorium through December 31, 2020, Executive Order 2020-12 extended the moratorium through March 31, 2021, and Executive Order 2021-06 further extended the moratorium through September 30, 2021.

Given the ongoing COVID-19 public health emergency, the Emergency Order, dated March 17, 2020, imposing a moratorium on evictions of small business and non-profit commercial tenants is hereby extended through January 15, 2022.

- D. The Utility Discount Program's Self-Certification Pilot Program**, as announced in Executive Order 2020-03, will be extended to October 31, 2021.
- E. Utility relief flexible payment policies and shut-off policies**, as announced in Executive Order 2020-03, and are hereby extended until the State of Washington's utility moratorium on disconnection for nonpayment, as announced in Proclamation 20-23, et seq., on March 21, 2021 expires. Seattle City Light and Seattle Public Utilities will maintain flexible payment plan policies and to not resume disconnections for nonpayment through January 15, 2022.
- F. Reopening of Closed Facilities** as City departments begin to gradually reopen public-facing customer service counters. During the reopening, online and telephonic access should continue. Accessible communication to people with disabilities and to non-English speaking community members should also continue, to the greatest extent practicable. Please visit <http://www.seattle.gov/departments> for additional information on specific City Departments' openings, closures, and modified hours/service delivery during COVID-19.
- G. Suspensions including** booting of vehicles with unpaid parking tickets, as announced on March 21, 2020, will remain suspended until further notice.
- H. Temporary Parking Zones** for hospital and human services staff, as announced on March 26, 2020 will resume and be extended through January 15, 2022.

This Executive Order continues all other temporary relief measures established by the American Rescue Plan and Coronavirus State and Local Fiscal Recovery Funds including programs for small businesses, youth and families, human services and homelessness programs, and rental assistance.

For all other COVID-19 legislation, emergency orders, closures, or relief measures announced by the City but not enumerated in this Executive Order, the City will monitor guidance and future orders from Public Health - Seattle & King County, as well as the county, state, and federal government before determining whether to extend their intended termination dates.

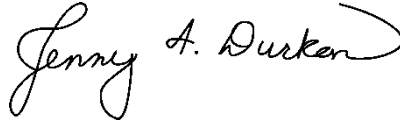
Executive Order 2021-07 (Continued Extension of COVID-19 Closures and Relief Policies)

Page 5 of 5

September 21, 2021

Any questions regarding this Executive Order should be directed to Policy Director Adrienne Thompson, Office of the Mayor.

Dated this 21st day of September 2021

A handwritten signature in black ink that reads "Jenny A. Durkan". The signature is fluid and cursive, with the first name "Jenny" being more prominent and the last name "Durkan" following in a similar style.

Jenny A. Durkan
Mayor of Seattle